

## DRAWINGS

Applicant is submitting herewith a replacement drawing for FIG. 1-A per the Examiner's suggestion. No new matter has been added.

## REMARKS

Reconsideration is respectfully requested.

### 35 USC §103

The Examiner has rejected Claims 35-36 and 43-63 under 35 USC §103, as allegedly being unpatentable over Plantec et al. (US 6,826,540) in view of Goldstein (USPGPUB 2001/0032115).

The Examiner alleges (Page 4, lines 1-2 of the Office Action) that Plantec teaches a system “for use to determine by **e-mail survey**...” Applicant respectfully submits that the Examiner’s statement is erroneous. The Plantec reference does NOT teach or suggest any kind of e-mail survey and therefore rejection of Claims 35-36 should be withdrawn.

Further, the Plantec reference does NOT teach or suggest Applicant’s capture and storage of experiences. The Examiner cites Plantec column 26, line 19-20 where the words “user experience” appear in the Plantec reference. However, the context of these words clearly shows that the Plantec reference merely alleges that “reduced download times provided a better user experience”. The Plantec reference provides NO teaching about capture and storage of experiences in a database. Applicant respectfully submits that the Examiner has not established a prima facie case of obviousness for Applicant’s claims and therefore rejection of Claims 43-63 should be withdrawn.

Further, NONE of the references teach Applicants set of *natural-language terms to be rated as to relevancy to each subject*. The Examiner acknowledges that the Plantec reference does not teach Applicant’s relevancy limitations. Goldstein does not teach Applicant’s relevancy limitations either. On page 4, line 18, of the office action the Examiner alleges that “Goldstein teaches relevancy information at para 0017 and 0083.” However Goldstein’s teachings in paragraph 0017, “...insuring that they receive the most *relevant* offers of goods...” and paragraph 0083,

“There might also be a detailed explanation on how My-e-surveys 150 “Float” or any other *relevant* information.” reveals that the Goldstein reference merely contains the word “relevant” and clearly does not teach Applicant’s Claim limitation of *natural-language terms to be rated as to relevancy to each subject*. In other words, paragraphs 0017 and 0083 of the Goldstein reference are irrelevant to Applicant’s Claims. Applicant respectfully submits that the Examiner has not established a prima facie case of obviousness for Applicant’s claims and therefore rejection of Claims 35-36 and 43-63 should be withdrawn.

Further, Applicant disagrees with the Examiner that it would have been obvious to combine the references as suggested by the Examiner. Paragraph 0002 of the Goldstein reference does not provide teaching or suggestion to combine the references as suggested by the Examiner. The suggestion to combine the references is the result of impermissible hindsight on the part of the Examiner.

Finally, Applicant’s priority date, February 10, 2000, precedes the Goldstein reference. If the Examiner persists with rejections, Applicant will submit an Affidavit under 37 CFR 1.131.

Applicant believes that all Claims are allowable with respect to 35 USC §103, and respectfully request that all such rejections be withdrawn.

Applicant respectfully points out, that according to the MPEP 706, “The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity,” and “the examiner should never overlook the importance of his or her role in allowing claims which properly define the invention.”

For the reasons given above, and after careful review of all the cited references, Applicant respectfully submits that none of the cited references nor any combination of the cited references will result in Applicant's claimed invention in the present Claims. But even if any such

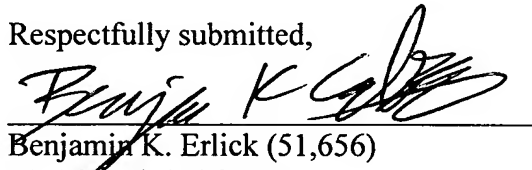
combination might arguably result in such claimed invention, it is submitted that such combination would be non-obvious and patentable.

A petition and fee for extension of time under 37 C.F.R. § 1.136(a) have been submitted under separate cover. If there are any fees incurred by this Amendment Letter, please deduct them from our Deposit Account NO. 50-1887.

Applicant respectfully requests that the Examiner, after having an opportunity to review this Office Action Response, grant a telephonic interview to Applicant's undersigned agent in order to discuss Applicant's response to the Examiner's first Office Action (before the Examiner prepares a second office action), to attempt to reach mutual understanding and clarify any outstanding issues. Applicant respectfully requests that the Examiner call Applicant's undersigned agent at 602-263-9200 to schedule a telephonic interview at least two business days in advance to allow the Applicant's undersigned agent time to prepare and schedule the interview. For telephonic scheduling purposes, Applicant's agent is located in Arizona, in the Mountain Standard Time zone.

Date: September 6, 2005

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 6, 2005.

Date of Sig. September 6, 2005  
Name of Registered Representative:

Signature:   
Benjamin K. Erlick, Agent for Appl.